

a compelling claim on our resources. The dollar amounts involved are comparatively small. The Federal role would remain supportive, rather than primary. And two considerations mark this as a time for such action:

—Studies in the humanities will expand the range of our current knowledge about the social conditions underlying the most difficult and far-reaching of the nation's domestic problems. We need these tools of insight and understanding to target our larger resources more effectively on the solution of the larger problems.

—The arts have attained a prominence in our life as a nation and in our consciousness as individuals, that renders their health and growth vital to our national well-being. America has moved to the forefront as a place of creative expression. The excellence of the American product in the arts has won worldwide recognition. The arts have the rare capacity to help heal divisions among our own people and to vault some of the barriers that divide the world.

Our scholars in the humanities help us explore our society, revealing insights in our history and in other disciplines that will be of positive long-range benefit.

Our creative and performing artists give free and full expression to the American spirit as they illuminate, criticize and celebrate our civilization. Like our teachers, they are an invaluable national resource.

Too many Americans have been too long denied the inspiration and the uplift of our cultural heritage. Now is the time to enrich the life of the mind and to evoke the splendid qualities of the American spirit.

Therefore, I urge the Congress to extend the authorization and increase substantially the funds available to the National Foundation for the Arts and Humanities. Few investments we could make would give us so great a return in terms of human understanding, human satisfaction and the intangible but essential qualities of grace, beauty and spiritual fulfillment.

RICHARD NIXON.

THE WHITE HOUSE, December 10, 1969.

CONFERENCE REPORT ON H.R. 4293, EXPORT ADMINISTRATION ACT

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 4293) to provide for continuation of authority for regulation of exports, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report. The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of November 24, 1969.)

Mr. PATMAN (during the reading). Mr. Speaker, in view of the fact that the statement has been available for at least 2 or 3 weeks, I ask unanimous consent

to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we bring you the conference report on export control, the Export Administration Act of 1969.

The Senate-passed bill proposed to let the existing Export Control Act expire on its termination date and proposed to regulate and promote the expansion of exports thereafter under authority of a new act. The House, on the other hand, had passed a bill to extend for 2 years the existing Export Control Act of 1949 with one amendment to the findings, one to the grant of authority, and one to the section on enforcement.

The Senate had struck out all of the House bill after the enacting clause and had inserted a substitute amendment. The committee of conference agreed to a substitute for both the Senate amendment and the House bill. The managers on the part of the House agreed to the appropriateness of enacting a new law to take effect on the expiration of the existing act. However, a preponderance of the provisions of the existing law would be reenacted under the conference substitute. Under it, the President retains plenary power to control exports.

The managers on the part of the House insisted upon and prevailed in their position that the legislation in conference was for purposes of regulation and control, not for the purpose of trade expansion, and that the President continue to possess full authority to control exports for reasons of national security, foreign policy, and short supply.

The Senate-passed amendment called for the establishment of an Export Expansion Committee composed of 15 members to be appointed by the President to study ways to promote, with special emphasis, trade with Communist countries. The managers on the part of the House, while recognizing the need and benefits of a continuing and expanded foreign trade, objected and prevailed, pointing out that the purpose of the legislation is regulation and control. In five other instances, Senate language with respect to expansion or promotion was rejected by the House managers. In each instance in which the House had passed provisions to amend or extend existing law, the intent of the House language is preserved in the conference substitute, and in all but one instance the specific language of the House amendments is preserved.

The White House has not indicated to me that it is opposed to the conference report, and rightly so, since it is well designed to remove the handicap with which our trade programs have been burdened in international competition, and to prompt efforts by our Government to achieve a more effective, multilateral export control mechanism with our allies.

Mr. Speaker, this is a good conference report, and I urge its adoption.

At this time I yield 10 minutes to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. I thank the gentleman from Texas for yielding.

Mr. Speaker, there may be some aspects of the conference report with which the Members of the House are not familiar because of the fact that the other body passed a bill with a substantial number of provisions found neither in the House-passed bill nor considered by the House.

The Senate-passed bill introduced, for the first time, a declaration of policy to restrict the export of goods and technology which would make a significant contribution to the military potential of a nation or nations which would be detrimental to the national security of the United States.

At the same time, the Senate-passed bill, in granting full authority to the President to prohibit and curtail exports, encouraged him to exercise that authority in a way which will increase exports. Because it found that the unwarranted restriction of exports and the uncertainty of policy toward many categories of exports were without efficacy and were diminishing our economic strength, the other body wrote provisions which would require the Secretary of Commerce to promptly review the control lists with a view to making changes consistent with a policy designed to remove the discrimination against American exports in international competition.

Mr. WHALEN. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I am happy to yield to the gentleman from Ohio.

Mr. WHALEN. As a member of the House Armed Services Committee I have several concerns with respect to this conference report. I wonder if the gentleman would yield for a series of questions I should like to pose.

The first has to do with the policy review of control lists.

The question of prompt review of the control lists is one of the objections which have been raised in connection with the conference report. As a member of the Armed Services Committee, I am as concerned as any of my colleagues to make certain that we continue to prohibit exports of significant military applicability to nations which threaten our national security.

Is there anything to the charge that the conference substitute places impossible demands upon the Secretary of Commerce by requiring him to canvass the Government defense, laboratories and private defense contractors and complete his review within 6 months?

Mr. ASHLEY. I am very pleased that the gentleman has asked that question.

There is no requirement for a canvass and there is no 6-month limit for review of the control lists.

Nothing in the language of the report puts such requirements on the Secretary. He is required to make "promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes and provisions" of the act and to include an initial detailed statement with respect to actions taken with respect to review, changes, and re-

visions of the list in the second quarterly report following enactment. It is clear that the completion of a review within 6 months is neither anticipated nor required in view of the language calling for "a detailed statement with respect to actions taken in compliance in the second quarterly report—and in any subsequent report with respect to actions taken." There is to be a prompt initiation of review and revision, but there is no terminal date.

Mr. WHALEN. Mr. Speaker, will the gentleman yield for another question?

Mr. ASHLEY. I yield.

Mr. WHALEN. This has to do with another objection that has been made that products or technology available from any other source, including Russia and other Communist countries, cannot be subject to export control unless the President discloses the substance of intelligence reports, to the detriment of our national security. These are strong charges. Is there any foundation to them?

Mr. ASHLEY. These charges, which have received some publicity, are without substance.

Such charges could only be seen as rash and unwarranted.

Full Presidential authority to control exports in the interest of national security is maintained. Where reporting to the Congress is required, no stipulations whatsoever are made with respect to the release of classified information of any confidential business data.

Nothing prohibits export controls on items available from Russia or other Communist countries. The language of the report merely indicates that it should be made clear which categories of goods and information continue to be subject to express permission on national security grounds, for which nation or nations, and for what reasons other than unavailability from foreign countries. It may be that it has not yet been determined whether goods or information of comparable quality and technology are not readily available to such nation or nations from other sources. Or it may be that there are other reasons, which ought to be made clear to the Congress, for continued control of a category which is readily available to such nation or nations from other sources. In the past, hundreds of categories have been controlled for political purposes, foreign or domestic, and unreported on that basis, under a false cloak of national security. The character of the reasoning and the detail is left to the discretion of the President.

Mr. WHALEN. Mr. Speaker, will the gentleman yield further for one final question?

Mr. ASHLEY. I yield to the gentleman from Ohio.

Mr. WHALEN. Is there anything to the objection that the conference report fails to make provisions for the so-called "basket categories," which are essential for the control of new products and technology with strategic potential, but for which separate classifications do not exist?

Does the language of the report require advance individual identification

of all products by the Commerce Department? I know this sounds like an extreme charge, but could it possibly authorize the uncontrolled export of new, strategic technology?

Mr. ASHLEY. The gentleman from Ohio is certainly correct if he surmises how extreme and unfounded such an objection is. A charge like this betrays a fundamental misunderstanding of the export control procedures and processes and it completely overlooks the provisions of section 13(b) of the conference amendment.

Under established procedures, two types of licenses, general and validated, are obtainable by the exporter. A general license permits certain categories of goods to be shipped to virtually any destination in the world.

If the exporter finds in reviewing the commodity control list of the Comprehensive Export Schedule, that his product does not fall into a commodity category for which only a general license is required, he must apply for a validated export license, which is a document issued only upon formal application. It is not up to the Commerce Department to identify new products in anticipation that someone may wish to export them in the future. It is incumbent upon the exporter to determine with certainty that his product is only subject to general license before he ships it without first obtaining a validated license. Section 13(b) preserves these forms of action required under existing law.

Hence, the charge with regard to the statement made with respect to the potential danger in connection with the "basket categories" simply is without foundation.

Mr. WHALEN. I certainly thank the gentleman for answering these questions and certainly the gentleman has removed the doubts which may have been planted in my mind as a result of some of the objections we have heard. I am most appreciative for the very close attention which the gentleman has given to this legislation over the last several months and for the clear explanation he has provided now.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Illinois.

Mr. FINDLEY. I have been very disturbed about some of the restrictions which our Government has placed upon the shipments of grain to bloc countries. Some of them I think could be removed by Executive order. For example, there is a requirement on grain shipments to almost all of the Eastern European countries that a specific license be secured for each shipment.

Another requirement that applies today on some grain is that an entire shipment cannot be unloaded in a country, but part of the cargo has to be first unloaded in a free world port. That is a ridiculous requirement.

Mr. ASHLEY. I agree with the gentleman.

Mr. FINDLEY. Another requirement is that half of some shipments must go in U.S. vessels. Can the gentleman from Ohio tell me if the conference report

deals in any way, directly or indirectly, with these requirements, liberalizing them in some respect?

Mr. ASHLEY. In all truth, the conference was not in a position to deal with the matters which the gentleman has raised, mainly because neither the House bill nor the Senate-passed bill contained provisions with respect to these matters.

Mr. FINDLEY. May I ask the gentleman, does it deal—

The SPEAKER pro tempore (Mr. ALBERT). The time of the gentleman from Ohio has expired.

Mr. PATMAN. Mr. Speaker, I yield 5 additional minutes to the gentleman from Ohio.

Mr. ASHLEY. Mr. Speaker, I thank the gentleman from Texas for the additional time.

Let me go on further to say that certainly our subcommittee and the full committee were fully aware of the problems raised and the gentleman from Kansas (Mr. MIZE) as a member of the subcommittee, can perhaps amplify further on this matter, and I will yield to the gentleman for that purpose.

Mr. FINDLEY. May I direct a further question to the gentleman from Kansas, then?

Mr. ASHLEY. By all means.

Mr. FINDLEY. Does the conference report in any way liberalize the requirement for a specific license on each shipment of grain?

Mr. MIZE. If the gentleman will yield, I would say to the gentleman from Illinois the answer to that question is "No." But I do think that in the hearings on this matter both in the House and in the Senate this problem was aired thoroughly, and the matter of whether or not to offer an amendment to cover the items that the gentleman from Illinois has alluded to was discussed. But we do feel that these matters can be resolved administratively, and the language in the hearings suggested that it look at these matters very carefully, and I think it will.

Mr. FINDLEY. Mr. Speaker, I have just one final question that I would ask to have considered.

Is there anything in the language of the conference report or the legislation to which it pertains which would restrict the authority of the President to lift by Executive order these restrictions on grain shipments?

Mr. ASHLEY. Absolutely none.

Mr. Speaker, I want to make it clear that there is nothing in the conference report that inhibits the authority of the President in any way whatsoever. In all truth, the main thrust of this legislation is to continue the restrictions on the export of strategic goods and materials largely for purposes of our national security.

At the same time, it has become abundantly clear that there are some 2,200 categories of goods, products, and technology, many of which have no strategic value whatsoever, and are by any definition peaceful goods, and yet the requirements for licensing do put our competitors at a very significant disadvantage.

It has been largely this kind of situation that is sought to be resolved by the

conference report. If the President continued to control grain commodities on grounds of national security, in view of their obvious availability elsewhere, he would be required to give his reasons for continuing to require express permission to export.

It has been largely this kind of a situation that is sought to be resolved by the conference report.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding to me. Page 2 of the conference report, in paragraph (5), states:

It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States. . . .

I have in mind the country of Rhodesia, which is certainly friendly to the United States, and which this Government is boycotting. This has forced American industry to buy chromium ore from Russia at an 81-percent increase in price since there is no other supplier of high-grade chromium other than Rhodesia capable of meeting the demands for this high-grade ore.

In the opinion of the gentleman does this language have meaning, or is it simply window dressing?

Mr. ASHLEY. As the gentleman knows, the boycott provision as retained by the Congress is operative at the discretion of the President.

Mr. GROSS. Then does that mean it is within the discretion of the President to elect to trade with Communist Russia rather than with Rhodesia; is that what the gentleman is saying?

Mr. ASHLEY. The Export Control Act is an act, as the gentleman knows, which restricts the export of goods and commodities from the United States to the Soviet Union and to other Communist countries, and to such other destinations as the President may designate, for reasons for national security, foreign policy, or short supply.

Mr. GROSS. But this does not limit it in any sense. There is nothing that limits it to exports. The language I have just read to the gentleman is general language. Incidentally, I might say that our balance of trade with Rhodesia, prior to the boycott, was most favorable to the United States. I do not understand why any President would penalize this country by loss of exports and at the same time forcing industry to deal with and pay premium prices to Soviet Russia.

Mr. ASHLEY. I can appreciate the sentiments of the gentleman. In all truth I think it must be said that that is not covered by the conference report.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PATMAN. Mr. Speaker, I yield 7 minutes to the gentleman from New Jersey (Mr. WIDNALL).

Mr. WIDNALL. Mr. Speaker, we on the minority side are urging you to oppose the adoption of the conference report.

In view of the colloquy just prior to my

rising, between the gentleman from Ohio (Mr. ASHLEY) and the gentleman from Ohio (Mr. WHALEN), I would like to read a letter which I received from the Secretary of Commerce, which was dated December 3, 1969, in which he says:

THE SECRETARY OF COMMERCE,
Washington, D.C., December 3, 1969.
Hon. WILLIAM B. WIDNALL,
House of Representatives,
Washington, D.C.

DEAR BILL: You have asked for the Administration's position on the Export Administration Act of 1969 as reported out of conference last month.

As you know, the Administration's preference from the outset has been for straight renewal of the Export Control Act of 1949. The House passed a two-year extension of this Act with a useful modification which presents no great difficulties internally nor could it be misinterpreted as an undue "liberalization" signal. However, we do not support the conference version which is being interpreted as calling for broad immediate liberalization. We feel strongly that any significant liberalization of East-West trade should be a part of broader improvements in overall East-West relations.

In addition to the policy difficulties which the conference-approved bill creates for the Administration, the language of the authority section is such a drastic change from the former act that a substantial question is raised as to whether, should it become law, the national security can be adequately protected. Specifically:

1. Section 4(a) calls for the Administration to review within six months all products and technologies with the intention of decontrolling those which do not make a significant contribution to the military potential of Communist countries. It is literally impossible to canvass defense laboratories and defense contractors with respect to all of the thousands of such highly sophisticated products in any short period, and even with a best efforts attempt, the margin for human error and the attendant security risk is great.

2. Section 4(b) provides that if strategic products or technology are available from any foreign source, comparable items from U.S. companies cannot be subject to export control, unless the President makes a specific determination that this is necessary in the interest of national security, and reports in detail to Congress the reasons for such determination. This requirement for detailed public disclosure of the reasons for retaining control over strategic commodities and technology despite foreign availability could be detrimental both to our national security and our foreign relations and also damage U.S. firms in regard to matters of trade confidentiality.

3. The language of the conference-approved bill is unclear as to whether the government maintains its authority as presently to control items involving new technology in "all other" or so-called "basket categories" until they have been reviewed and determined to be safe for export. Without such "basket categories" national security would be compromised by allowing uncontrolled export of many heretofore unidentified new products and technologies.

Failing the extension of the original Export Control Act of 1949 as amended by the House, the Administration strongly supports the substitution of the House Authority Section 3 of HR 4293 for the conference-approved Authority Section 4.

Sincerely,

MAURY,
Secretary of Commerce.

The three minority members of the conference sent a letter to Members of

the House in which we urged opposition to the adoption of the conference report. We did not sign the report, and we hope it will not receive your support because the all-important section 4, the "authority" section, of the report is almost verbatim the Senate language to which we strenuously object for the following reasons:

First. It will be impossible to canvass the Government defense laboratories and private defense contractors throughout the United States to ascertain which of the many thousands of commodities, technologies, and information affected by the bill would, or would not, make a significant contribution to the military potential of Communist countries within the 6-month period to which such review is limited by section 4(a).

Second. Section 4(b) provides that if strategic products technology or information are available from any other source including Russia and other Communist countries or friendly nations not allied with the United States, such items cannot be subject to export control unless the President makes a specific determination that this is necessary in the interest of national security. Even if the President makes such a determination, the President then must report in detail to the Congress, his reasons for same. This reporting mandate will require detailed public disclosure which could, and no doubt would, be detrimental to our national security, our foreign relations and would damage U.S. firms in regard to matters of trade confidentiality.

Third. No provision is made for the maintenance of controls over "basket categories"—groupings of many similar products in general categories without individual identification. Use of basket categories is essential to control of the exportation of new products or technology having strategic potential but for which a separate classification does not exist because such new product or technology has never been previously identified. The Senate language in the report requires individual identification of all products subject to control and therefore inability to identify many new products and technologies would authorize their uncontrolled export even to the detriment of our national security.

In summary, we concur with many in the Congress who believe the Export Control Act needs updating. We agree that some of its provisions have been unnecessarily restrictive but we reject the radical changes proposed by the Senate and incorporated in the conference report.

We think it extremely unwise and not in this Nation's interest to shift the burden of proof to the President in total disregard of the fact that justification of his actions may entail the divulging of information which would be contrary to the national security interests of this country. When we in the House adopted an amendment to the Export Control Act making "availability" elsewhere of the proposed export a matter to be considered by the President in exercising his control authority, we restricted the application of such availability test to those nations with which we have de-

fense treaty commitments—in other words, we can have an impact upon trade policy and shipment of goods from other free world nations but we have no similar power or control with respect to the shipment of goods among and within the nations of the Communist bloc.

Defeat of the conference report will permit an opportunity to reexamine the questions and issues we have raised herein and hopefully the adoption of the House "authority" section.

Mr. PATMAN. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. I thank the gentleman for yielding.

Mr. Speaker, several weeks ago I came down to the well of this House and urged my colleagues to adopt an amendment to the Export Control Act which I was offering. I appreciated the substantial support the amendment received in the course of its adoption. Those who opposed the amendment looked upon it as a liberalization of the law, although I consider it a modernization or updating of the law.

This amendment to the "authority" section of the bill required the President to take into consideration the availability of items from other nations with which we have defense treaty commitments when making his determination as to whether or not an export from a firm in this country should be controlled or restricted. I argued then, as I argue now, that a realistic export control policy for this Nation must take into consideration the export policies of our friends and allies, for we are concerned with what Communist bloc nations, including Russia, receive from the free world in the way of exports more than we are in what nation does the trading. To the extent that we only interdict our source of supply by our Export Control Act, we do not deny receipt of strategic goods to our adversaries but in effect only penalize our exporters.

The modification in the "authority" section adopted by the House realistically dealt with the problem. But at the same time, it did not jeopardize the exercise by the President of proper controls over exports. It was a sensible modification of the Export Control Act, regardless of whether one views it as a liberal, a moderate, or a conservative, as those terms are used.

Subsequent to the House action the other body passed amendments to the Export Control Act which, in effect, constituted a rewriting of the law. Its action effected a significant liberalization of the law, and went far beyond what we had done in the House with respect to modification of the "authority" section of the law.

In conference, much of the policy thrust of the bill adopted by the other body was incorporated in the conference report, although some of us who participated in the conference thought some of the steps taken were too big and too fast, we acceded to the arguments and actions of the other body.

However, the mandate of the language of the "authority" section of the bill approved by the other body was such a

departure from existing law, or even existing law as modified by the House version, that the gentleman from New Jersey, the gentleman from Kansas, and I could not accept the same, and as a consequence we did not sign the conference report.

I am sure you, too, are opposed to trade in strategic goods by exporters of this Nation with nations of the Communist bloc, including Russia; yet, the language of the "authority" section of the conference report, which was the Senate language, denies to the President the right to restrict or control such trade unless he satisfies the two-factor test of section 4(b) or makes an absolute determination that such trade would be detrimental to the national security of the United States and explains his reasons for such determination in a "full and detailed statement" in the next quarterly report to the Congress.

The strategic importance of most exports which may have military significance detrimental to the national security of the United States must necessarily be established from intelligence reports. Disclosure of the substance of these reports to the general public, through a detailed quarterly report to the Congress, would not be in this Nation's interest. It, therefore, would be almost essential for the President to attempt to satisfy the two-factor test of the "authority" section for the control of exports which does not necessitate the filing of such a report.

It is this two-factor test within the "authority" section that causes me the greatest concern. If you have read the language of the report, you will know that it denies to the President the right to control exports either through the establishment of restricted trade lists or by denial of export licenses, unless the President satisfies both requirements of such section. This test provides that with respect to any export control action, the President must determine: first, that the item to be restricted or denied a license "would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States"; and, second, such item or items "sought to be exported are not readily available to such nation or nations from other sources." Since this is a twofold test, satisfaction of only one of the requirements is not sufficient to justify controls.

Once again I emphasize this says "other sources," not nations with which we have defense treaty commitments, as the House language said, but this says "other sources" and "other sources" under any interpretation means any sources within the world, and not just the free world.

The impact of this twofold test is to deny to the President the right to control the export of items to any nation even though such item or items may have substantial military significance detrimental to the United States, if such item or items are readily available to such nation or nations from any other source, including a source within the Communist bloc of nations, even Russia, since the

term "other sources" has in no way been limited by the conference report.

The questioning of the Senator from Minnesota, the leading proponent of the Senate version, regarding his interpretation of this language of the conference report—I refer Members to the CONGRESSIONAL RECORD for November 14, pages 34290 through 34293—clearly establishes that either the Senator and his colleagues in the Senate did not mean what they had written or did not say what they meant.

Nevertheless, the language is not patently ambiguous and therefore is not subject to interpretation, regardless of the amount of legislative history which the Senate or this colloquy establishes in the pages of the CONGRESSIONAL RECORD.

My purpose in opposing the adoption of the conference report is to permit an opportunity for the Congress to adopt the House version of the "authority" section and for no other reason.

Section 4(b) of the conference report, which is the Senate language, is totally unacceptable to the administration, and to many of us on the committee, and should be unacceptable to the Members of the House.

I reiterate that urging the defeat of the conference report, as I am doing at this time, I am not advocating that I, or you, should reject all of that report.

Rather, it is necessary for us to reject the conference report if we are to be in a position to replace the objectionable provisions of the report's "authority" section only with the acceptable and responsible provisions originally adopted by the House. If we defeat the conference report, I will immediately move to have the House recede and concur in the Senate amendment with an amendment, and in this action I understand I have the concurrence of the chairman.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Illinois.

Mr. FINDLEY. Just to attempt to clarify in my own mind the essential issue here, is the gentleman's objection primarily the requirement of public disclosure which might in turn impair our security interests? Would that be an oversimplification?

Mr. BROWN of Michigan. Somewhat of an oversimplification, because it is only in the situation where the President cannot meet the two-factor test that he would have to make a determination of control just on the basis of the national security and give his reasons in the quarterly report. The two-factor test is primarily the test he should use. It is the two-factor requirement that makes it very difficult to control exports under that part of the law and as a consequence he would be required to rely upon the national security provision and give his reasons in the report.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Texas.

Mr. PATMAN. Do I correctly understand that the gentleman said that I had concurred with the gentleman in offering his motion?

Mr. BROWN of Michigan. Procedurally only, Mr. Chairman. I do not suggest that you concur in the substance of what I propose to do. I did mean you had procedurally agreed I could make such a motion, since otherwise it would be the prerogative of the chairman.

Mr. PATMAN. I had told you I had not made up my mind on what we should do, should the conference report be rejected.

Mr. BROWN of Michigan. That is not my understanding, Mr. Chairman, but if that is your understanding I accept it.

Mr. PATMAN. That is my understanding.

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. ASHLEY. The gentleman from Michigan was the author of the availability test that was written for consideration by our subcommittee and by the full committee. Can the gentleman tell me with respect to this dual test, which he feels is so onerous, what earthly difference it makes whether the commodity or the product or the technical knowledge is available from Great Britain, Italy, or from Czechoslovakia? If we are going to talk about availability as a rational, valid test, why do we choose to differentiate as to the source of that availability?

Mr. BROWN of Michigan. The gentleman from Ohio will agree that we have an export control law primarily to be able to control exports to the Communist-bloc nations and Russia. We think that should be a free world policy, a multilateral policy, more than just a policy of this Nation. We cannot have any control over exports from the nations of Eastern Europe or the Communist-bloc nations.

Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HALPERN).

(Mr. HALPERN asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. HALPERN. Mr. Speaker, my colleagues ought to be fully cognizant of the broad support which is being expressed for this legislation. I would like to address myself to this aspect of this issue.

On November 17 to 19, the 56th annual foreign trade convention was held in New York under the sponsorship of the National Foreign Trade Council.

The council is made up of more than 600 companies of highly diversified interests, representing every segment of the American economy, and drawn from all over this country.

Attendance at the convention is not confined to members of the council. Registered delegates to the convention numbered more than 2,000, including many officials of our Government along with representatives of the business community. The convention was chaired by James M. Roche, chairman of the board of General Motors.

The convention was very much aware of the conference substitute for H.R. 4293, agreed to on November 6, in its deliberations, and it addressed itself specifically to the question of East-West trade as it is affected by our export con-

trol policy and procedures. The convention adopted unanimously, a declaration with language on export controls, to which not a single objection was raised, as follows:

Subject to limitations imposed by considerations of national security, the Convention favors the relaxation of restrictions and simplification of regulatory procedures on export sales of nonstrategic goods and services to the Soviet Union and to the countries of Eastern Europe.

The Convention welcomes the detailed review of U.S. policies in respect to trade with the Soviet Union and Eastern Europe which has been occasioned in both the Senate and the House of Representatives by consideration and enactment of bills for renewal or modification of the Export Control Act of 1949, as amended, now due to expire on December 31, 1969.

The view of the Convention is that the terms and administration of the required new legislation as it emerges from Congress should assure, first, the effective prohibition of export of goods and technology which would be detrimental to United States security interests; and, second, that U.S. export controls in other respects are brought into closer conformity to the controls which other cooperating nations exercise through the Coordinating Committee of the Consultative Group (COCOM) of which the United States is a member.

The Convention recognizes that there are many obstacles to expansion in U.S. trade with the Soviet Union and the countries of Eastern Europe and that such expanded trade can only develop as there is a demonstration of mutual benefit. The Convention opposes, however, continuation of U.S. unilateral controls on the literally hundreds of products on non-military character which the Soviet Union and Eastern European Countries can readily obtain from COCOM countries other than the United States.

The National Foreign Trade Council endorsed this declaration of the convention and sent it to each Member of Congress, along with several other recommendations on foreign economic policy issues. I would like to insert at this point in the RECORD a listing of the distinguished members of the board of directors of the Council and of the delegates to the convention.

It seems clear, Mr. Speaker, that it is time to come into closer step with public opinion in this area. I believe the conference report accomplishes this and constitutes a signal achievement. I do not share some of the apprehension expressed. I urge the adoption of the report.

The list follows:

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Allen W. Merrell, Ford Motor Company.

I. J. Minett, Chrysler Corporation.

Alfred F. Miossi, Continental Illinois National Bank and Trust Company of Chicago.

John G. Montag, Caterpillar Tractor Co.

James Montgomery, Pan American World Airways, Inc.

William T. Moore, Moore-McCormack Lines, Incorporated.

Robert M. Norris, National Foreign Trade Council, Inc.

Sydney Oden, Anderson, Clayton & Co.

J. Warren Olmsted, The First National Bank of Boston.

George L. Parkhurst, Standard Oil Company of California.

Roland Pierotti, Bank of America N.T. & S.A.

Donald C. Platten, Chemical Bank.

John Pugsley, United States Steel Corporation.

Thomas J. Smith, Farrell Lines Incorporated.

William H. Spoor, The Pillsbury Company.

Hoyt P. Steele, General Electric Company.

Harold R. Stephan, Republic Steel Corporation.

Malcolm C. Stewart, The Gillette Company.

Leroy D. Stinebower, Standard Oil Company (New Jersey).

William S. Swingle, Past-President, NFTC.

Richard V. Thomas, Goodyear International Corporation.

Henry S. Thompson, Insular Lumber Company.

W. E. Tucker, Caltex Petroleum Corporation.

Alfred H. Von Klempner, Morgan Guaranty Trust Company of New York.
 Sherwood Waldron, American Home Products Corporation.
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ADVANCE REGISTRATION TO THE 56TH NATIONAL FOREIGN TRADE CONVENTION, NEW YORK, N.Y., NOVEMBER 17, 18, AND 19, 1969

(Includes guest observers from United States and foreign governments and from international institutions)

A

Arround, A. Robert, Vice President, International Section, First National Bank of Chicago, Chicago, Ill.
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 Adams, Frank J., Export Manager, The Jaeger Machine Company, Columbus, Ohio.
 Adams, Professor Robert W., Institute for International Commerce, Graduate School of Business Administration, The University of Michigan, Ann Arbor, Mich.
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 Ahle, Rudolf, Consulate General of the Federal Republic of Germany, New York, N.Y.
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Anderson, Richard E., Assoc. Technical Director, The Chase Manhattan Bank, New York, N.Y.

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Angle, Frank W., Director of Labor Relations, General Motors Overseas Operations, New York, N.Y.

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Brunet, Meade, Mendham, N.J.

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Mr. PATMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I expressed my own reservations about any changes in the Export Control Act when it first came before this body some months ago. At that time, frankly, I resisted any changes in the act because the administration had made it abundantly clear that it preferred an extension of the existing language. But now we find ourselves faced with a bill which is considerably different than what I objected to.

Let me touch upon a few of the things which I regard as most hazardous. First, there is this requirement that the President make known his reasons by setting forth in detail data for export which would make it possible for the whole world, perhaps, to obtain technical knowledge that we do not want certain countries to hear about.

I recall the colloquy of a few moments

ago between the gentleman from Ohio (Mr. ASHLEY) and the question he asked the gentleman from Michigan (Mr. BROWN) about what difference does it make whether an item is available from Czechoslovakia or Great Britain. Let me address myself to that question for just one moment.

If Czechoslovakia has an item of extreme sophistication she is obligated by reason of her ties with the Soviet Union to sell whatever of her capacity she has to the Soviet Union, but if the Soviet Union needed more of that particular item the mere fact that item is being manufactured in Czechoslovakia, when perhaps no other country in the world except Communist-controlled countries would sell that item, that would be a sufficient justification under the language of this conference report to require the Secretary of Commerce to authorize the export by American manufacturers of that item which no other country in the western bloc would agree to sell to the Soviet Union.

I cannot possibly justify in my own mind, nor do I believe the majority of the Members of this body can justify that type of logic to open the floodgates of American industry and American technology to the Communist countries.

So, gentlemen, I earnestly hope the Members of this body can support the Brown amendment, or to support the proposal to send this matter back to conference. The administration is not sympathetic with the conference report as it now exists.

Those of us who have studied the conference report and understand the full implications of what can be developed in the logic, and the illogical results that can come about by applying the language in this conference report, will recognize and come to the same conclusion that the conference report should be rejected, and this matter should be sent back to conference for further review.

Furthermore it is interesting to note that the conference report regarding the extension of the Export Control Act has been awaiting action by the House for over 2 weeks. As you know, there is a great deal of controversy over the control and authority section of this conference report. This section would virtually allow American industries to export to Communist countries any material which could not be shown to have a direct military relationship. Specifically the bill requires the Department of Commerce to survey all laboratories and industrial products produced in the United States and form a list of those goods and technology which are strategic to our national security. First, it is almost impossible for the Department of Commerce to even conceive of surveying all the industries and laboratories within the United States which are producing strategic goods and decide whether or not they are of any military value.

I feel that if the Export Control Act as now drawn is adopted it will virtually open the floodgates and allow strategic materials to be exported to Communist-dominated countries. Recently, in the November-December issue to Ordinance magazine, Dr. Anthony C. Sutton of the Hoover Institution on War, Revolution,

and Peace, which is located on the campus of Stanford University in California, presented an article entitled, "Soviet Export Strategy." It has been proposed by many Members of Congress, including myself, that the United States ship to Communist countries raw materials in order to make them dependent upon the United States for the supply of these vital necessities. However, we see that the reverse of this is becoming the accepted pattern. In Dr. Sutton's article, he clearly outlines this trend. I think that all Members of the House should review this article before casting their vote on the Export Control Act, and I hereby insert this article into the RECORD.

SOVIET EXPORT STRATEGY

(By A. C. Sutton)

Maj. Gen. A. N. Lagovskiy of the Red Army, a doctor of military science and a leading Soviet specialist in economic warfare, is also author of "Strategiya i Ekonomika"—a text on economic warfare recommended for study in the Soviet armed forces.* Given Lagovskiy's considerable status and wide influence, it is conceivable that the strategies outlined in "Strategiya i Ekonomika" constitute, at least in part, the basis for the operational directives of Soviet foreign economic policies.

The purpose of this article is to relate one Lagovskiy principle—the "weak-link principle"—to the pattern of recent U.S. trade with the Soviet Union and thus to test a stated Soviet strategic principle against empirical observations.

In a section discussing foreign trade as a weak link in the economy during a war, Lagovskiy notes the great independence of modern warfare on certain raw materials—such as chrome and platinum—and, simultaneously, notes the lack of major deposits of such raw materials in the United States and other capitalist countries.

As a consequence, he suggests, "the strategic material situation continues to be an urgent problem in war production for the U.S.A."

TABLE I—Critical materials in a U.S. military jet airplane (from Lagovskiy)

[Percentages of material imported]

Material:	
Chrome (3,659 pounds).....	92
Nickel (2,117 pounds).....	97
Alumina (bauxite) (46,831).....	76
Cobalt (436).....	88

A clear distinction is drawn by Lagovskiy between such "weak-link" strategic minerals and machinery with a technological component. Application of Lagovskiy's principle would require the Soviet Union to avoid import of weak-link mineral commodities—while simultaneously encouraging a potential adversary, such as the United States, to accept such exports from the Soviet Union.

On the other hand, the Soviet Union would deny exports of its own technology embodied in machinery and equipment, while maximizing imports of a potential adversary's technology.

As for the technological side of U.S.-Soviet trade, there is no question that export of worth-while Soviet technology to the West (or even to fellow socialist countries) is virtually nil, while Western and East European export of technology to the Soviet Union is not

* A. N. Lagovskiy, "Strategiya i Ekonomika" (Moscow: 1957), first Russian edition. A translated version of a second edition (1961) is "Strategy and Economics" (JPRS: No. 19,700 of June 17, 1963). There is significant difference between the two editions, and the material used here was largely added by Lagovskiy to the second (1961) edition. References are then to the second (translated) edition.

only both historically and currently of immense proportions but also of critical importance to Soviet economic and military development. Therefore, it is only the "weak-link"-import aspect which is now of interest.

Except for synthetic rubber, the Soviets do not import such mineral commodities from the United States; i.e., they have avoided any strategic dependence on their own part. In distinct contrast, the U.S. is a remarkably heavy importer of "weak-link" commodities from the U.S.S.R.

Let us first review the argument in detail.

Lagovsky takes an American jet plane as his principal example and lists the amount of critical materials required in construction of a single aircraft (see Table I).

It is therefore, clear, says Lagovsky, that a jet aircraft cannot be produced in the United States by utilizing only domestic raw materials, "since domestic production of the most important types of raw materials for it amounts to only 3 to 24 per cent of requirements." This example of dependence on imported materials for military aircraft is followed by a listing of United States imports of these materials (see Table II).

Many, but not all, of these raw materials, do have imperfect substitutes; synthetic rubber, for example, rather than natural rubber, is more important to industry in the United States, and butyl synthetics are equal in physical properties to natural rubber. It is rather the Soviet Union that is dependent on natural rubber, as its own development of synthetics (it has no natural rubber) is backward.

Percentage imported by United States

Natural rubber.....	100
Tin.....	100
Industrial diamonds.....	100
Chrome ore.....	99
Platinum.....	99
Manganese.....	95
Cobalt.....	80
Tungsten.....	72
Bauxite.....	70
Mercury.....	66

On the other hand, although substitution is possible for materials like chrome, manganese, and tungsten, such substitution is not complete and would be difficult to undertake on short notice. It is in U.S. imports of these minerals that Lagovsky's argument has some force.

It is interesting that Lagovsky avoids any further discussion of rubber but devotes a full page of discussion to U.S. dependence on imported chrome and emphasizes that "the U.S.A. has almost no chrome in its own country."

Chrome is required for production of alloys for jet engines, gas turbines, guns, and armor-piercing projectiles; it is used in both aircraft and motor vehicle manufacture. The United States accounts for about two-thirds of the entire Western-world consumption. Lagovsky points up as a "weak link" the "enormous geographic disparity" between world production and consumption regions:

"The Imperialist countries, considering the enormous significance of chrome in war production and the lack of deposits of it in places where it is consumed, do not spare funds for the development of chrome reserves. However, this does not free them from the necessity of importing chrome ore in wartime as well."

Amount of U.S. imports from U.S.S.R.

Weak-link commodity:	
Chrome ore.....	\$3,433,000
Diamonds, cut but unset.....	5,681,000
Platinum.....	518,000
Palladium.....	15,540,000
Rhodium.....	2,348,000
Nickel.....	1,092,000
Titanium.....	899,000
Lagovsky's "weak links".....	29,501,000
Total U.S. imports from U.S.S.R.	35,359,000

Source: U.S. Department of Commerce, Export Control, 85th Quarterly Report, p. 19.

Clearly, then, Lagovsky lays great faith in his "weak-link" theory, and he might be expected to recommend its use in Soviet economic relations with the United States.

Although we have no direct way of knowing whether the Soviets have indeed made use of the principle, we can examine the structure of U.S. imports from the Soviet Union to determine if the structure conforms, or does not conform, to Lagovsky's theory.

If it does not, then either the Soviets have made no attempt to utilize the principle, or—conversely—they have attempted to do so, but the United States, aware of its potential weaknesses, has avoided dependence by diverting its purchases elsewhere. This is possible, as there are free-world as well as Soviet sources.

Table III contains U.S. imports of Lagovsky's "weak links." While Lagovsky lists "platinum," the table includes "platinum group" metals. Nickel and titanium are not in Lagovsky's listing, but fulfill the Lagovsky criteria.

This table contains data for the first half of 1969 (latest available in the Quarterly Reports on Export Control). U.S. imports of weak-link commodities constituted no less than \$29 million out of a total import from the Soviet Union of \$35 million of all goods. A remarkably high percentage—84 per cent—of our total imports from the U.S.S.R. fall within the very narrow range of commodities covered by the Lagovsky weak-link principle.

If the comparison is extended to cover the previous full year (1967), 65 per cent of our imports from the U.S.S.R. fall into the category.

In brief, our import structure is almost unbelievably consistent with a principle of economic warfare that is advanced by a general of the Red Army.

The next relevant question concerns the proportion these imports from the U.S.S.R. constitute of U.S. total imports from all sources for specific commodities. In 1966 about one-third of U.S. chrome ore imports came from the Soviet Union.

In the same year, about one-half of palladium imports and just less than one-third of the rhodium imports came from the U.S.S.R.; in the case of other platinum-group metals, the Soviet proportion was somewhat less. However, it cannot be argued that the relative dependence is in any way a minor matter.

In general, it may seem improbable that the dependence is critical. Alternate sources of supply are available, stockpiles presumably are adequate, substitution is possible—and in time of war there would be diversion from considerable civilian end uses to military end uses.

But the Soviets, in case of war, also could divert these Russian deposits (developed with the aid of Western equipment and peacetime purchases) to their own military use. Such diversion would be relatively more important to them, as civilian uses in the U.S.S.R. are much smaller and they do not have the same range of substitution options. Further, free-world sources are in areas earmarked for "liberation" by the Soviets—Rhodesia, for example.

It cannot be argued that this coincidence between a Soviet strategic principle and its implementation is accidental. The Soviets have a foreign trade monopoly and can bring about, by manipulation of price and quantities marketed, a militarily desirable pattern of trade.

Any trade pattern therefore must reflect a conscious objective on the part of the Soviet Union. It has not resulted from the free play of market forces in international commerce.

The evidence suggests that the Soviets adopted the weak-link theory and have endeavored to put it into practice. Private

American firms then responded (as they have every right to do) to the lower Soviet prices and more favorable offers. This pattern was encouraged by the Johnson Administration when Rhodesia was cut off as a source of supply for chrome.

The United States therefore is becoming increasingly dependent on Soviet raw materials of a critical nature. The only valid conclusion is that this was a conscious effort on the part of the Soviet Union as part of a wider scheme. If not, the pattern of U.S. imports from the U.S.S.R. would be distributed far more widely.

This also explains why the Soviet Union continued to ship chrome and manganese to the U.S. after the 1948 embargo and during the current Vietnamese war—i.e., as a long-range effort to increase U.S. dependence. A few U.S. observers have noted the continuing import of Soviet chrome and concluded it is a sign of Soviet benevolence—a completely mistaken interpretation, inconsistent not only with Soviet strategy but also with our own defense posture.

For example, J. M. Chambers, testifying before the U.S. Senate Subcommittee on Banking and Currency (May 1969), argued: "The metallurgical-grade chrome consumed in the United States normally comes from two main sources; Rhodesia furnishes one-third, Russia one-third, and the balance from the rest of the world. With Rhodesia under sanction we cannot rely on them for any chrome and therefore the... availability of chrome ore from Russia is essential...."

"Since the importance of these materials to our industries is well known to the Russians I think that some of those who worry about our 'national interest' should take heart that Russia has continued to supply us...."

There are indeed two ways of looking at dependence on the Soviet Union for strategic materials. One way—put forward in the early 1960's in the Rock report—is to accept a strategy of interdependence as leading to peace.

Unfortunately, it has never been explained how interdependence between two countries leads to absence of conflict. Indeed, the argument is refuted by Soviet actions and their reasons for these actions in Vietnam.

Examination of the trade history of the past decade suggests certain firm conclusions. As the "bridge-building" policy took hold in the mid-1960's, the Soviets had an opportunity to make a reciprocal response according to the prevailing theory of "graduated reciprocity in tension reduction." How did they respond?

If Soviet actions had been guided by responsive reciprocity, they would have increased neither their trade in weak-link commodities nor their logistic supply of world revolution. They would have made a determined and conscious effort to deemphasize any action capable of misinterpretation, and so have marked their intentions to reciprocate.

Given the monopoly of foreign trade in the Soviet Union, such a policy could have been effected very readily, and it would have shown up long before 1966-1967.

The facts presented complement the evidence provided by Soviet logistic support of the Vietnamese war and the Middle East conflict—that the Soviets not only made no effort at reciprocity, but also seized the opportunity to further an over-all offensive strategy, an economic strategy with military objectives.

It appears that the United States, under the illusion that it was making an initial invitation for reciprocal disarmament and trading for peace, actually may have traded and reciprocated itself into a potentially dangerous corner.

The coincidence between Soviet strategic objectives and our imports from the Soviet Union is too great and has continued for too long a period of time to be dismissed as accidental. There is little question that Soviet

offers have been attractive enough to U.S. firms to induce such a dependence.

In "Strategiya i Ekonomika," Lagovskiy makes explicit reference to this question: "Our strategy is a strategy of bold daring, always realistically considering the material, moral, and political capabilities of its accomplishment. In the Soviet Union, where economics and strategy are developed in an indissoluble dialectical unity under the leadership of the Communist Party, where the planned system of economy dominates, there is no expenditure of resources without plan, and never can be . . ."

It is the psychological effect on Soviet planners that contains a degree of danger. Although given to great realism, Soviet planners cannot help but observe the significant fulfillment of a strategic objective. If this be so, then it must weigh in the scale in consideration of future hostilities with the United States.

From the viewpoint of a soviet planner it is a distinct signal of United States weakness, and as such is generally considered a sufficient invitation to initiate aggression. It makes little sense, then, to defend ourselves at a cost of \$X billions against Soviet missiles, without accompanying this move by the logical action—taken at the almost negligible cost of shifting supply sources—to remove a potential source of Soviet miscalculation.

Mr. PATMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, during the 87th Congress I was pleased to serve on the Select Committee on Export Control, where we spent many, many months in dealing with the matter of strategic exports. Since the dissolution of this committee, I have had continuing interest in this field.

I might say further that I have watched with more than a keen interest the attempts that have been made over the years to try to do to this act what this conference report is now proposing.

I might also say very forthrightly and frankly that this bill scares me to death from the standpoint of our national security. This morning I talked with the Secretary of Defense concerning this conference report. I have since received a communication from the Department of Defense relative to the same.

This is what the Department communication says about this conference report:

From the standpoint of DOD, we foresee serious problems if the conference report is adopted. The basic problem is that as now drawn, the bill shifts the burden of proof from the exporter to the government and requires the President in order to place an item under control to make positive findings that (a) it would make a significant contribution to the military potential of other nations to the detriment of U.S. national security, (b) an item of comparable quality and technology is not readily available from other sources, and (c) if available from other sources, the item should still be controlled in the interest of national security, which must be subsequently explained to Congress.

Such requirements pose insuperable administrative difficulties. We cannot, for example, provide conclusive evidence that communications equipment shipped to Warsaw Pact countries will be used for military purposes, or that technology for building a launch vehicle for a space satellite is being acquired by a Free World country for use in connection with a ballistic missile program, or that an advanced computer capable

of being diverted to strategic uses will in fact be so diverted. Indeed, in some cases where we have such evidence, it cannot be presented publicly because it is sensitive.

The question of foreign availability creates similar problems since, except for a very few of the most strategic items, conclusive evidence that the U.S. equipment is significantly superior in quality and technology is seldom available without exhaustive investigation. As a result many items of strategic importance are likely to escape control and become freely exportable to the USSR and Eastern Europe merely because comparable items are available outside the United States.

The Department's position is quite clear. The Commerce Department's position, as referred to by the gentleman from New Jersey, is also quite clear. According to these Departments' statements this legislation is not in the best interests of our national security.

I might ask, what happened to the House bill we passed? When this matter was before the Committee on Rules, proponents were asking only for a simple extension of the Export Control Act of 1949 with a few minor amendments. Now the conferees have come back with a major overhaul of the act, and the bill now proposes to do the very things certain interests have been attempting to do for many, many years.

I say that if we are interested in the national security of this country, we will vote down this conference report.

The SPEAKER. The time of the gentleman has expired.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. REUSS) such time as he may use.

Mr. REUSS. Mr. Speaker, there is an eerie quality about this debate. I rise in support of what I believe to be an excellent conference report. The reasons for it have been well given by the gentleman from Texas (Mr. PATMAN) and the gentleman from Ohio (Mr. ASHLEY).

In essence what the conference report does is to support American business, and to try to free it from some of the archaic and bureaucratic cobwebs that have hampered it.

It is ironic that the Republican party, the party of business, or at least big business, should be attempting to knock down this conference report.

Now, let us look at precisely what the conference report does. Basically, it does two things. It reaffirms and reinvigorates the power and duty of the President to see that no strategic materials of military significance get anywhere back of the Iron Curtain or into the hands of our adversaries.

Second, it gives the President the power to end the ridiculous practice of cutting off our nose to spite our face. That has been going on for years.

On the list of strategic materials unshippable to the bloc are, let us say, widgets. Well, what happens? The Russians want widgets. The Germans, Italians, and the French sell them widgets. So our European allies get the orders and the Russians get the widgets—giving us the doubtful satisfaction of having gratified the lust of some obscure bureaucrat in the Department of Commerce to find reason for banning the sale.

Let me call your attention to page 169 of the subcommittee hearings, and of

the 130 pages following that, filled with fine type and setting forth things that are strategic and hence subject willy-nilly to export control, no matter what the President thinks.

Just take the start of the list—dairy products, milk and cream, wheat, barley, rye, oats, sorghum, and so on.

Now what happened on dairy products? Well, in the great State of New Jersey and in the great State of Michigan, they produce dairy products—they even produce some in my State of Wisconsin—though I shall try to be objective. Dairy products are an excellent export commodity of the United States of America. Yet what happens is that if a little Polish child needs dairy products, who gets the order? The Germans or the French get the order. And we, the taxpayers of the United States, then buy our dairy products to dump them for nothing in the foreign aid program. If that makes sense, I wish somebody would tell me how.

So all that happens under the existing regimen is that we deny American business and agriculture the opportunity to compete for orders which our allies then proceed to get.

Oh, I know the specter of security has been dragged out. Let me tell you what security really means. In the U.S. foreign economic policy, real security depends on getting our balance of payments under control. It has been a shame and a disgrace for years that we have allowed it to deteriorate. The best single way of getting our balance of payments under control is to increase our exports, not to cut off our noses to spite our faces.

Unless we get our balance of payments under control, the dollar will be jeopardized, and then our real security will be weakened. And, believe me, our real security is not going to be weakened if we compete with the Germans and French for the opportunity to sell dairy products or wheat to people behind the Iron Curtain who need those products.

If by some mishap this conference report is voted down this afternoon, then you have indeed cast the whole Export Control Act into limbo, because it expires on December 31, 20 days from now. And if you vote down the conference report, I have to inform you that the Senate has acted on it, has adopted it, and the conference is dissolved. So for approximately 130 good reasons, which are set forth on pages 169 to 291 of the subcommittee hearings, let us support this excellent conference report.

Mr. ASHLEY. Mr. Speaker, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Ohio.

Mr. ASHLEY. I appreciate the gentleman yielding.

I ask him to do so only because it occurs to me that there is some confusion with respect to Presidential authority. Is it not a fact that under this conference report the authority of the President to ban the export of goods and commodities is retained?

Mr. REUSS. It is retained and reinvigorated.

Mr. ASHLEY. There are three rea-

sons that the President can use to prohibit or curtail the export of American goods, services, and technology. Foreign policy is the first, national security is the second, and short supply is the third. If the President chooses to use foreign policy as the reason for excluding exports, no explanation whatsoever is necessary as to whether or not those goods are available elsewhere. Where national security is the stated ground for control, and the goods are available from other sources, a very simple reporting requirement is necessary. Where reporting to the Congress is required, no stipulation whatsoever is made with respect to the release of classified information or of any confidential business data. If this does not answer the objection by the Defense Department to Mr. Latta, I do not know what would satisfy him. The language of the report merely indicates that it should be clear which categories, goods, and information continue to be subject to express permission on national security grounds, for which nation or nations, and for what reasons other than unavailability from foreign countries.

Mr. Speaker, let me say further, in connection with a question raised earlier, that the device of employing a strained and unreal hypothesis involving the presence of a source of supply among Communist countries fails to take into account the understanding of the language "readily available" held and conveyed by administration officials in public hearings. Ready availability embraces quantitative and delivery time capabilities, among others, of the supplier. With respect to the import requirements of the Soviet Union, if the Czechoslovakian capacity to deliver goods of comparable quality and technology in the desired quantities within a reasonable time differed ever so slightly from our own, the goods could be characterized as not readily available. If the Czechoslovakian capacity does not differ from our own, the Soviets are obviously not going to buy the goods from non-Communist sources.

Even in situations in which our exporters have attempted to compete with suppliers in countries allied with us, an inordinantly narrow construction has been put on the term "ready availability" by the Office of Export Control, so that an order which might be deliverable from a foreign competitor only a few weeks or months later than from one of our firms can be characterized as not readily available. There has been no great hesitation to require licenses for our exports vis-a-vis those of allied suppliers, so I find it difficult to imagine the Department of Commerce not finding a rationale for denying those which would compete with suppliers within Eastern Europe. I would like to make it clear now that, while the Department of Commerce should not employ too narrow an interpretation of "ready availability" which discriminates against our exports for civilian uses in competition with those of Western countries, the Department would certainly have the latitude to do so in situations involving goods of significant military applicability from Eastern European suppliers. And in any

event, a careful reading of section 4(b) reveals that the President is still free to require express permission for the export of such goods.

Again I suggest, if the gentleman from Wisconsin will bear with me, that there is confusion with respect to Presidential authority, and I do not like to suggest that this is contrived confusion, but it comes close to it in my mind. I make that statement because throughout the hearings and throughout the conference it was abundantly clear that under no circumstances did any member of that conference want to disturb the authority of the President to regulate exports where national security and foreign policy were involved.

The gentleman from Michigan knows this. Other members of the conference know this. To suggest that somehow we are diluting this authority, somehow opening up some kind of bonanza for uncontrolled trade simply belies the facts of the matter. This is not the purpose of the conference and it is not the purpose nor the purport of the conference report. Would the gentleman not agree with me?

Mr. REUSS. I do. The gentleman has stated the letter and the spirit of the conference report precisely and concisely.

Let me add, in this connection, a word about that letter from some obscure bureaucrat in the Department of Defense, I do not know who he is to be writing a letter attempting to advise this House on economic matters. It is the Department of Defense which has gotten us into our balance-of-payments bind, a military deficit of about \$7 billion a year. Now, when we are attempting to straighten out the mess into which the Defense Department has gotten us, the Department has the unparalleled gall to suggest it does not like the efforts we are making.

Mr. ASHLEY. Mr. Speaker, if the gentleman will yield further, we have had read to us letters from the Department of Commerce and the Department of Defense saying they do not support the conference report. I must say this is the first news the members of this committee have had of the position of the administration.

Putting that to one side, it is a fact that the Department of Commerce in conjunction with the Department of Defense and other departments have come up with a list of approximately 2,200 categories of goods, products and technology that are on the control list.

What are our COCOM neighbors doing? The multilateral group with which we seek to have a meaningful and effective free world export policy as far as significant military apparatus, and the like is concerned with respect to trade with Communist countries, our multilateral policy embraces less than 500 categories of goods and products. We have 2,200. So, of course, the question of availability exists.

But our allies are concerned with their national security just as we are. The fact of the matter is that in the testimony of the departments before our committee, there was tacit admission that hundreds upon hundreds of categories were peaceful goods, that there was no reason for foreign competitors

to enjoy this position, which makes it difficult and often impossible for American exporters to compete in these areas. The witnesses admitted this. They admitted they do not review these categories, that they do it only on an infrequent basis, only when sufficient question is raised by the Congress. Is this not so?

Mr. REUSS. This is absolutely correct.

Let me say to the gentleman from Ohio, that if our friends here this afternoon, who seek to knock down and destroy this conference report, would only go over to Bonn and Rome and Paris and attempt to sell their restrictive programs to the Parliaments of Germany and Italy and France, and if by some chance they were successful, they would have done the greatest possible service for the United States of America. They would have diminished competition by those countries, and enabled us to sell our wheat, our dairy products, and our widgets in markets in which France and Germany and Italy are fast grabbing them from us, because of our ridiculous, self-imposed, feckless and reckless self-denial.

Mr. ASHLEY. Mr. Speaker, if the gentleman will yield further, we are talking about the export of peaceful goods and commodities. There can be no question about that. No effort is being made to facilitate the export of sophisticated, militarily-related technology or anything of this kind. We are talking about American businessmen who seek export markets for their peaceful goods and commodities, in competition with our European and other neighbors throughout the world. Is this not so?

Mr. REUSS. This is so.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. REUSS. Mr. Speaker, I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from Wisconsin for yielding. Referring to the colloquy which has occurred between the gentleman in the well, the gentleman from Wisconsin, and the gentleman from Ohio, I think there is a total misunderstanding about the action I am suggesting the House take. I am only urging the defeat of the conference report so as to permit adoption by the House of the House authority section.

If the House does not want to impair the President's ability to control strategic goods, this can be done by defeating the conference report and adopting the motion I will make later on.

All of the conference report which relates to their colloquy will remain in the conference report. Only the area of the "authority" section, which deals with "strategic goods" that are available from a nonfree-world country and therefore authorized for shipment from this country, is the area we are talking about. So your discussion of widgets does not apply.

Mr. SMITH of California. Mr. Speaker, the conference report on the Export Control Act extension bill, H.R. 4293, which is before the House of Representatives at this time, must be viewed with deepest concern.

This bill was approved by the House on October 16, 1969, and provided essenti-

ally for a straight continuation of the Export Control Act of 1949. Extension of the act to provide authority to control exports from the United States is vital because of the significance of exports to our national welfare and security.

As agreed to in conference, H.R. 4293 is a different bill from that approved by the House. The conferees accepted almost entirely the version as passed by the other body. That version would continue to provide for an export control program but unfortunately its primary thrust appears to be toward forcing a weakening of the safeguard controls which now exist on proposed shipments of goods, equipment, and data to Communist nations.

The measure we are asked to put a stamp of approval on today contains what in my view is a questionable collection of findings, declarations, assessments of duties and reporting requirements which add up to uncertainty and inconsistency as to policy, and harassment and coercion of those who are supposed to administer the program. It is not spelled out on the face of the bill, but these requirements are included for the purpose of weakening our present program of controls on shipments to the Communists. Their purpose is to expand trade with the Reds.

Those who advocate gutting the export control program often assert or seek to advance the belief that there are prospects of greatly increased commercial East-West trade if we lower our control standards and that this would be a boom for our balance-of-payments situation and our economy. There is simply no evidence that this is the case. There are no prospects for substantially increased overall amounts of East-West trade with or without present controls.

The major effect of lowering barriers actually would be to remove restrictive controls on high quality, advanced machinery, techniques, equipment, data, and so forth. This is what the Communist nations are interested in obtaining here.

Allowing Communist regimes to acquire advanced equipment, machinery, and data here certainly must mean that they can continue to funnel that many more resources into their military, security, space, and related programs.

I think this is a dangerous policy to pursue and urge that the conference report on H.R. 4293 be rejected by the House of Representatives.

Mr. PATMAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROWN of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 157, nays 238, not voting 38, as follows:

[Roll No. 312]

YEAS—157

Adams	Giammo	Obey
Addabbo	Gibbons	O'Hara
Albert	Gilbert	Olsen
Anderson, Calif.	Gonzalez	O'Neill, Mass.
Annunzio	Green, Oreg.	Ottinger
Ashley	Green, Pa.	Patman
Aspinall	Griffiths	Patten
Barrett	Halpern	Pepper
Biaggi	Hamilton	Perkins
Bingham	Hanley	Pickle
Blatnik	Harrington	Pike
Boggs	Hathaway	Podell
Boland	Hawkins	Price, Ill.
Bolling	Hechler, W. Va.	Pucinski
Brademas	Helstoski	Purcell
Brasco	Hicks	Rees
Brooks	Hollifield	Reid, N.Y.
Brown, Calif.	Howard	Reuss
Burke, Mass.	Hungate	Rodino
Burton, Calif.	Jacobs	Roe
Byrne, Pa.	Johnson, Calif.	Rogers, Colo.
Carey	Jones, Ala.	Rosenthal
Casey	Kath	Rostenkowski
Celler	Kastenmeier	Roybal
Chisholm	Kee	Ryan
Clay	Kluczynski	St Germain
Cohelan	Koch	St. Onge
Conyers	Kyros	Scheuer
Corman	Leggett	Slak
Culver	Long, Md.	Slack
Daddario	Lowenstein	Smith, Iowa
Daniels, N.J.	McFall	Steed
Delaney	Macdonald, Mass.	Stokes
Dingell	Madden	Stubblefield
Donohue	Mahon	Sullivan
Dulski	Matsunaga	Symington
Eckhardt	Meeds	Thompson, N.J.
Edwards, Calif.	Melcher	Tierman
Evans, Colo.	Mikva	Udall
Fallon	Miller, Calif.	Ullman
Farbastein	Mills	Van Deelen
Feighan	Minish	Vanik
Flood	Mink	Vigorito
Foley	Mollohan	Waldie
Ford	Monagan	Whalen
William D. Fraser	Moorhead	White
Frelinghuysen	Morgan	Wolff
Friedel	Morse	Wright
Gallagher	Moss	Yates
Garmatz	Murphy, Ill.	Yatron
Gaydos	Murphy, N.Y.	Young
Gettys	Nedzi	Zablocki
	Nix	

NAYS—238

Abbott	Camp	Fisher
Abernethy	Carter	Flowers
Adair	Cederberg	Flynt
Alexander	Chamberlain	Ford, Gerald R.
Anderson, Ill.	Chappell	Foreman
Andrews, Ala.	Clancy	Fountain
Andrews, N. Dak.	Clausen	Frey
Arends	Don H.	Fulton, Pa.
Ashbrook	Clawson, Del.	Galifianakis
Ayres	Cleveland	Goldwater
Baird	Collins	Goodling
Beall, Md.	Colmer	Griffin
Belcher	Conable	Gross
Bell, Calif.	Conte	Grover
Bennett	Corbett	Gubser
Berry	Coughlin	Gude
Betta	Cramer	Haley
Bevill	Crane	Hall
Blester	Cunningham	Hammer-
Blackburn	Daniel, Va.	schmidt
Blanton	Davis, Wis.	Hanna
Bow	de la Garza	Hansen, Idaho
Bray	Dellenback	Harsha
Brinkley	Denny	Harvey
Brock	Dennis	Hastings
Broomfield	Dent	Hébert
Brotzman	Derwinski	Heckler, Mass.
Brown, Mich.	Devine	Henderson
Brown, Ohio	Dickinson	Hogan
Broyhill, N.C.	Dorn	Horton
Broyhill, Va.	Dowdy	Hunt
Buchanan	Downing	Hutchinson
Burke, Fla.	Duncan	Ichord
Burleson, Tex.	Dwyer	Jarman
Burlison, Mo.	Edmondson	Johnson, Pa.
Burton, Utah	Edwards, Ala.	Jones
Bush	Edwards, La.	Jones, N.C.
Button	Erlenborn	Jones, Tenn.
Byrnes, Wis.	Esch	Kazen
Cabell	Eshleman	Keith
Caffery	Findley	King
	Fish	Kleppe

Kuykendall	O'Konski	Smith, Calif.
Landgrebe	O'Neal, Ga.	Smith, N.Y.
Langen	Paseman	Snyder
Latta	Pelly	Springer
Lennon	Pettis	Stafford
Lloyd	Pirnie	Staggers
Long, La.	Poage	Stanton
Lujan	Poff	Steiger, Ariz.
Lukens	Pollock	Steiger, Wis.
McClory	Preyer, N.C.	Stephens
McCloskey	Price, Tex.	Stratton
McClure	Pryst, Ark.	Stuckey
McCulloch	Quie	Taft
McDade	Quillen	Talcott
McDonald, Mich.	Raisback	Taylor
McEwen	Randall	Teague, Calif.
McKneally	Rarick	Thompson, Ga.
McMillan	Reid, Ill.	Thompson, Wis.
MacGregor	Rhodes	Waggonner
Mann	Rivers	Wampler
Marsh	Roberts	Watkins
Martin	Robison	Watson
Mathias	Rogers, Fla.	Watts
May	Rooney, Pa.	Weicker
Mayne	Roth	Whitehurst
Meakill	Roosebush	Whitten
Michel	Ruth	Widnall
Miller, Ohio	Sandman	Wiggins
Minshall	Satterfield	Williams
Mize	Saylor	Wilson, Bob
Mizell	Schadeberg	Winn
Montgomery	Scharle	Wold
Morton	Schneebeli	Wyatt
Mosher	Schwengel	Wydler
Myers	Scott	Wylie
Natcher	Sebelius	Wyman
Neisen	Shipey	Zion
Nichols	Shriver	Zwach
	Skubitz	

NOT VOTING—38

Anderson, Tenn.	Gray	Reifel
Cahill	Hagan	Riegle
Clark	Hansen, Wash.	Rooney, N.Y.
Collier	Hays	Ruppe
Cowger	Homer	Sikes
Davis, Ga.	Hull	Teague, Tex.
Dawson	Kirwan	Tunney
Diggs	Kyl	Utt
Eilberg	Landrum	Vander Jagt
Evins, Tenn.	Lipcomb	Whalley
Fasell	McCarthy	Wilson
Fulton, Tenn.	Mailliard	Charles H.
Fuqua	Phillips	
	Powell	

So the conference report was rejected.

The Clerk announced the following pairs:

Mr. Tunney with Mr. Hoamer.
 Mr. Teague of Texas with Mr. Reifel.
 Mr. Rooney of New York with Mr. Lipscomb.
 Mr. Hull with Mr. Collier.
 Mr. Charles H. Wilson with Mr. Utt.
 Mr. Gray with Mr. Vander Jagt.
 Mr. Clark with Mr. Cahill.
 Mr. Philbin with Mr. Mailliard.
 Mr. Fuqua with Mr. Cowger.
 Mr. Evins of Tennessee with Mr. Kyl.
 Mr. Hays with Mr. Riegle.
 Mr. Anderson of Tennessee with Mr. Ruppe.
 Mr. Fasell with Mr. Whalley.
 Mr. McCarthy with Mr. Diggs.
 Mr. Dawson with Mr. Eilberg.
 Mr. Sikes with Mr. Hagan.
 Mr. Kirwan with Mr. Powell.
 Mr. Davis of Georgia with Mr. Fulton of Tennessee.
 Mrs. Hansen of Washington with Mr. Landrum.

Messrs. LONG of Louisiana, EDMONDSON, STRATTON, QUIE, MCCLORY, WATTS, and NATCHER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert: "That this Act may be cited as the 'Export Expansion and Regulation Act of 1969'."

"FINDINGS"

"Sec. 2. The Congress finds that—"

"(1) the availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may effect the welfare of the domestic economy and may have an important bearing upon fulfillment of the foreign policy of the United States;

"(2) the unrestricted export of materials without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States;

"(3) the unwarranted restriction of exports from the United States has a serious adverse effect on the stability of our currency abroad and, therefore, upon the domestic economy; and

"(4) the uncertainty of Government policy toward certain categories of exports has curtailed the efforts of American business in those categories to the detriment of the overall attempt to improve the trade balance of the United States.

"DECLARATION OF POLICY"

"Sec. 3. The Congress makes the following declarations:

"(1) It is the policy of the United States both (A) to encourage the expansion of trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States.

"(2) It is the policy of the United States to use export controls (A) only to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (B) only to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (C) to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

"(3) It is the policy of the United States that any export controls found necessary should be applied uniformly to all nations with which the United States engages in trade, except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials requires that an exception be made in the case of one or more nations.

"(4) It is the policy of the United States (A) to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and (B) to formulate a unified commercial and trading policy to be observed by all such nations.

"(5) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

"(6) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive

trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

"AUTHORITY"

"Sec. 4. (a) (1) The Secretary of Commerce shall institute such organizational and procedural changes in any office or division of the Department of Commerce which has heretofore exercised functions relating to the control of exports and continues to exercise such controls under this Act as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting the expansion of trade with all nations with which the United States is engaged in trade, with special emphasis on promoting such trade with (A) those countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (B) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. In addition, the Secretary shall review any list of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, was heretofore prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act. The Secretary shall include a detailed statement with respect to actions taken in compliance with the provisions of this paragraph in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarter) made by him to the Congress after the date of enactment of this Act pursuant to section 11.

"(2) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the Nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging the widest possible trade.

"(b) To effectuate the policies set forth in section 3, the President may prohibit or curtail the exportation from the United States, its territories and possessions, of any articles, materials, or supplies, including technical data or other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, such rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. Rules and regulations prescribed in the interest of the national security shall provide that express permission and authority must be sought and obtained to export articles, materials, or supplies, including technical data or other information, from the United States, its territories and possessions, to any nation or combination of nations, if the President determines that (1) such articles, materials, supplies, data, or information would make a significant contribution to the military potential of such nation or nations which would prove detrimental to the national security of the United States, and (2) articles, materials, supplies, data, or information of comparable quality and technology to that sought to be exported are not readily available to such nation or nations from other sources: *Provided*, That express permission and authority shall be required to be sought and obtained, in accordance with such rules and regulations, in order to export to any nation or nations articles, materials, supplies, data, or information with respect to which the President has not made the determination referred to in clause (2), if the President (A) determines such action to be necessary in the interest of national security, and (B) includes in the first quarterly

report submitted, pursuant to section 11, after taking such action a full and detailed statement with respect to such action setting forth the pertinent articles, materials, supplies, data, or information; the nation or nations affected thereby; and the reasons therefor. Rules and regulations prescribed under this subsection shall implement the provisions of section 3(6) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in such section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of such section.

"(c) Nothing in this Act, or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export articles, materials, supplies, data, or information except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials makes such requirement necessary.

"(d) The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may deem appropriate.

"(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act.

"CONSULTATION AND STANDARDS"

"Sec. 5. In determining what action to take with regard to regulating and expanding exports, any departments, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies which are concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports. Consistent with considerations of national security, the President shall from time to time seek information and advice from various segments of private industry in connection with the making of these determinations.

"VIOLATIONS"

"Sec. 6. (a) Except as provided in subsection (b) of this section, in case of any knowing violation of any provision of this Act or any regulation, order, or license issued thereunder, the violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than one year, or by both such fine and imprisonment. For a second or subsequent offense, the offender shall be punished by a fine of not more than three times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

"(b) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be punished by a fine of not more than five times the value of the exports involved or \$20,000, whichever is greater, or by imprisonment for not more than five years, or by both such fine and imprisonment.

"(c) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil pen-

alty not to exceed \$1,000 for each violation of this Act or any regulation, order, or license issued under this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

"(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition for a period not exceeding one year after the imposition of such penalty, to the continued right to export of the person upon whom such penalty is imposed.

"(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

"(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

"(g) Nothing in subsection (c), (d), or (f) shall limit—

"(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

"(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

"(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

"ENFORCEMENT

"Sec. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refused to obey a subpoena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of

the Compulsory Testimony Act of February 11, 1893 (27 Stat. 443; 49 U.S.C. 46) shall apply with respect to any individual who specifically claims such privilege.

"(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

"(d) In the administration and enforcement of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, recordkeeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. The Secretary of Commerce shall include a detailed statement with respect to actions taken in compliance with this subsection in the first quarterly report made by him, pursuant to section 11, after such actions are taken.

"EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"Sec. 8. The functions exercised under this Act shall be excluded from the operation of sections 551, 553-559, and 701-706 of title 5, United States Code.

"INFORMATION TO EXPORTERS

"Sec. 9. In order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this Act shall, insofar as it is consistent with the national security, the foreign policy of the United States, and the effective administration of this Act—

"(1) inform each exporter of the considerations which may cause his export license request to be denied or to be the subject of lengthy examination;

"(2) inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;

"(3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license; and

"(4) inform each exporter of the reasons for a denial of an export license request.

"EXPORT EXPANSION COMMISSION

"Sec. 10. (a) There is hereby established an Export Expansion Commission (hereinafter referred to as the 'Commission') to be composed of fifteen members to be appointed by the President. The President shall designate one of the persons appointed to the Commission to serve as Chairman.

"(b) The Commission shall conduct a study to determine practicable ways in furtherance of the national interest by which exports can be expanded, without jeopardizing the national security, to all nations with which the United States is engaged in trade, with special emphasis on promoting such trade with (1) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (2) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. The Com-

mission shall coordinate its activities with the National Export Expansion Council, may make interim reports to the President and the Congress, and shall make a final report thereto with respect to its findings and recommendations not later than one year after the date of enactment of this Act.

"(c) Each member of the Commission who is appointed from private life may receive compensation at a rate of \$100 for each day he is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(d) The Commission may, without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or to classification and General Schedule pay rates, appoint and fix the compensation of an Executive Director, and the Executive Director, with the approval of the Commission, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Commission. No individual so appointed may receive compensation in excess of the rate authorized for GS-18 under the General Schedule.

"(e)(1) The Commission may require directly from the head of any Federal executive department or agency available information which the Commission deems useful in the discharge of its duties. All such departments and agencies shall cooperate with the Commission and furnish information requested by the Commission to the extent permitted by law.

"(2) The head of any executive department or agency of the Government may detail, on a reimbursable basis, any of its personnel to assist the Commission in carrying on its work.

"(f) Thirty days after submission of its final report, the Commission shall cease to exist.

"(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"QUARTERLY REPORT

"Sec. 11. The head of any department or agency, or other official exercising any functions under this Act, shall make a quarterly report, within forty-five days after each quarter, to the President and to the Congress of his operations hereunder.

"EFFECTS ON OTHER ACTS

"Sec. 12. (a) The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

"(b) The authority granted to the President under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934).

"EFFECTIVE DATE

"Sec. 13. (a) This Act shall take effect upon the expiration of the Export Control Act of 1949.

"(b) All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 or section 6 of the Act of July 2, 1940 (54 Stat. 714), shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

"TERMINATION DATE

"Sec. 14. The authority granted by this Act shall terminate on June 30, 1973, or upon any prior date which the Congress by con-

current resolution or the President by proclamation may designate."

Mr. BROWN of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with and it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan.

There was no objection.

MOTION OFFERED BY MR. BROWN OF MICHIGAN

Mr. BROWN of Michigan. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. BROWN of Michigan moves that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

"SHORT TITLE

"SECTION 1. This Act may be cited as the 'Export Administration Act of 1969'.

"FINDINGS

"SEC. 2. The Congress makes the following findings:

"(1) The availability of certain materials at home and abroad varies so that the quantity and composition of United States exports and their distribution among importing countries may affect the welfare of the domestic economy and may have an important bearing upon the fulfillment of the foreign policy of the United States.

"(2) The unrestricted export of materials, information, and technology without regard to whether they make a significant contribution to the military potential of any other nation or nations may adversely affect the national security of the United States.

"(3) The unwarranted restriction of exports from the United States has a serious adverse effect on our balance of payments.

"(4) The uncertainty of policy toward certain categories of exports has curtailed the effects of American business in those categories to the detriment of the overall attempt to improve the trade balance of the United States.

"DECLARATION OF POLICY

"SEC. 3. The Congress makes the following declarations:

"(1) It is the policy of the United States both (A) to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest, and (B) to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States.

"(2) It is the policy of the United States to use export controls (A) to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand, (B) to the extent necessary to further significantly the foreign policy of the United States and to fulfill its international responsibilities, and (C) to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States.

"(3) It is the policy of the United States (A) to formulate, reformulate, and apply any necessary controls to the maximum extent possible in cooperation with all nations with which the United States has defense treaty commitments, and (B) to formulate a unified trade control policy to be observed by all such nations.

"(4) It is the policy of the United States to use its economic resources and trade potential to further the sound growth and stability of its economy as well as to further its national security and foreign policy objectives.

"(5) It is the policy of the United States (A) to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States, and (B) to encourage and request domestic concerns engaged in the export of articles, materials, supplies, or information, to refuse to take any action, including the furnishing of information or the signing of agreements, which has the effect of furthering or supporting the restrictive trade practices or boycotts fostered or imposed by any foreign country against another country friendly to the United States.

"AUTHORITY

"SEC. 4. (a) (1) The Secretary of Commerce shall institute such organizational and procedural changes in any office or division of the Department of Commerce which has heretofore exercised functions relating to the control of exports and continues to exercise such controls under this Act as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (A) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (B) other countries eligible for trade with the United States but not significantly engaged in trade with the United States. In addition, the Secretary shall review any list of articles, materials, or supplies, including technical data or other information, the exportation of which from the United States, its territories and possessions, was heretofore prohibited or curtailed with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act. The Secretary shall include a detailed statement with respect to actions taken in compliance with the provisions of this paragraph in the second quarterly report (and in any subsequent report with respect to actions taken during the preceding quarter) made by him to the Congress after the date of enactment of this Act pursuant to section 10.

"(2) The Secretary of Commerce shall use all practicable means available to him to keep the business sector of the Nation fully apprised of changes in export control policy and procedures instituted in conformity with this Act with a view to encouraging the widest possible trade.

"(b) To effectuate the policies set forth in section 3 of this Act the President may prohibit or curtail the exportation from the United States, its territories, and possessions, of any articles, materials or supplies, including technical data or any other information, except under such rules and regulations as he shall prescribe. To the extent necessary to achieve effective enforcement of this Act, these rules and regulations may apply to the financing, transporting, and other servicing of exports and the participation therein by any person. The rules and regulations shall provide for denial of any request or application for authority to export articles, materials, or supplies, including technical data, or any other information, from the United States, its territories and possessions, to any nation or combination of nations threatening the national security of the United States if the President determines, taking into consideration its availability from other nations with which the United States has defense treaty commitments, that the export would prove detrimental to the national security and welfare of the United States. The rules

and regulations shall implement the provisions of section 3(5) of this Act and shall require that all domestic concerns receiving requests for the furnishing of information or the signing of agreements as specified in that section must report this fact to the Secretary of Commerce for such action as he may deem appropriate to carry out the purposes of that section.

"(c) Nothing in this Act, or in the rules and regulations authorized by it, shall in any way be construed to require authority and permission to export articles, materials, supplies, data, or information except where the national security, the foreign policy of the United States, or the need to protect the domestic economy from the excessive drain of scarce materials makes such requirement necessary.

"(d) The President may delegate the power, authority, and discretion conferred upon him by this Act to such departments, agencies, or officials of the Government as he may deem appropriate.

"(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils, during any period for which the supply of such commodity is determined by the Secretary of Agriculture to be in excess of the requirements of the domestic economy, except to the extent required to effectuate the policies set forth in clause (B) of (C) of paragraph (2) of section 3 of this Act.

"CONSULTATION AND STANDARDS

"SEC. 5. (a) In determining what shall be controlled hereunder, and in determining the extent to which exports shall be limited, any department, agency, or official making these determinations shall seek information and advice from the several executive departments and independent agencies concerned with aspects of our domestic and foreign policies and operations having an important bearing on exports. Consistent with considerations of national security, the President shall from time to time seek information and advice from various segments of private industry in connection with the making of these determinations.

"(b) In authorizing exports, full utilization of private competitive trade channels shall be encouraged insofar as practicable, giving consideration to the interests of small business, merchant exporters as well as producers, and established and new exporters, and provision shall be made for representative trade consultation to that end. In addition, there may be applied such other standards or criteria as may be deemed necessary by the head of such department, or agency, or official to carry out the policies of this Act.

"VIOLATIONS

"SEC. 6. (a) Except as provided in subsection (b) of this section, whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder shall be fined not more than \$10,000 or imprisoned not more than one year, or both. For a second or subsequent offense, the offender shall be fined not more than three times the value of the exports involved or \$20,000, whichever is greater, or imprisoned not more than five years, or both.

"(b) Whoever willfully exports anything contrary to any provision of this Act or any regulation, order, or license issued thereunder, with knowledge that such exports will be used for the benefit of any Communist-dominated nation, shall be fined not more than five times the value of the exports involved or \$20,000, whichever is greater, or imprisoned not more than five years, or both.

"(c) The head of any department or agency exercising any functions under this Act, or any officer or employee of such department or agency specifically designated by the head thereof, may impose a civil penalty not to exceed \$1,000 for each violation of this Act or any regulation, order, or license issued under

this Act, either in addition to or in lieu of any other liability or penalty which may be imposed.

"(d) The payment of any penalty imposed pursuant to subsection (c) may be made a condition, for a period not exceeding one year after the imposition of such penalty, to the granting, restoration, or continuing validity of any export license, permission, or privilege granted or to be granted to the person upon whom such penalty is imposed.

"(e) Any amount paid in satisfaction of any penalty imposed pursuant to subsection (c) shall be covered into the Treasury as a miscellaneous receipt. The head of the department or agency concerned may, in his discretion, refund any such penalty, within two years after payment, on the ground of a material error of fact or law in the imposition. Notwithstanding section 1346(a) of title 28 of the United States Code, no action for the refund of any such penalty may be maintained in any court.

"(f) In the event of the failure of any person to pay a penalty imposed pursuant to subsection (c), a civil action for the recovery thereof may, in the discretion of the head of the department or agency concerned, be brought in the name of the United States. In any such action, the court shall determine de novo all issues necessary to the establishment of liability. Except as provided in this subsection and in subsection (d), no such liability shall be asserted, claimed, or recovered upon by the United States in any way unless it has previously been reduced to judgment.

"(g) Nothing in subsection (c), (d), or (f) limits

"(1) the availability of other administrative or judicial remedies with respect to violations of this Act, or any regulation, order, or license issued under this Act;

"(2) the authority to compromise and settle administrative proceedings brought with respect to violations of this Act, or any regulation, order, or license issued under this Act; or

"(3) the authority to compromise, remit, or mitigate seizures and forfeitures pursuant to section 1(b) of title VI of the Act of June 15, 1917 (22 U.S.C. 401(b)).

"ENFORCEMENT

"Sec. 7. (a) To the extent necessary or appropriate to the enforcement of this Act or to the imposition of any penalty, forfeiture, or liability arising under the Export Control Act of 1949, the head of any department or agency exercising any function thereunder (and officers or employees of such department or agency specifically designated by the head thereof) may make such investigations and obtain such information from, require such reports or the keeping of such records by, make such inspection of the books, records, and other writings, premises, or property of, and take the sworn testimony of, any person. In addition, such officers or employees may administer oaths or affirmations, and may by subpoena require any person to appear and testify or to appear and produce books, records, and other writings, or both, and in the case of contumacy by, or refusal to obey a subpoena issued to, any such person, the district court of the United States for any district in which such person is found or resides or transacts business, upon application, and after notice to any such person and hearing, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce books, records, and other writings, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) No person shall be excused from complying with any requirements under this section because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1953 (27 Stat. 443; 49 U.S.C. 46) shall

apply with respect to any individual who specifically claims such privilege.

"(c) No department, agency, or official exercising any functions under this Act shall publish or disclose information obtained hereunder which is deemed confidential or with reference to which a request for confidential treatment is made by the person furnishing such information, unless the head of such department or agency determines that the withholding thereof is contrary to the national interest.

(d) In the administration of this Act, reporting requirements shall be so designed as to reduce the cost of reporting, record-keeping, and export documentation required under this Act to the extent feasible consistent with effective enforcement and compilation of useful trade statistics. Reporting, recordkeeping, and export documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology. A detailed statement with respect to any action taken in compliance with this subsection shall be included in the first quarterly report made pursuant to section 10 after such action is taken.

"EXEMPTION FROM CERTAIN PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"Sec. 8. The functions exercised under this Act are excluded from the operation of sections 551, 553-559, and 701-706 of title 5, United States Code.

"INFORMATION TO EXPORTERS

"Sec. 9. In order to enable United States exporters to coordinate their business activities with the export control policies of the United States Government, the agencies, departments, and officials responsible for implementing the rules and regulations authorized under this Act shall, if requested, and insofar as it is consistent with the national security, the foreign policy of the United States, the effective administration of this Act, and requirements of confidentiality contained in this Act—

"(1) inform each exporter of the considerations which may cause his export license request to be denied or to be the subject of lengthy examination;

"(2) in the event of undue delay, inform each exporter of the circumstances arising during the Government's consideration of his export license application which are cause for denial or for further examination;

"(3) give each exporter the opportunity to present evidence and information which he believes will help the agencies, departments, and officials concerned to resolve any problems or questions which are, or may be, connected with his request for a license; and

"(4) inform each exporter of the reasons for a denial of an export license request.

"QUARTERLY REPORT

"Sec. 10. The head of any department or agency, or other official exercising any functions under this Act, shall make a quarterly report, within 45 days after each quarter, to the President and to the Congress of his operations hereunder.

"DEFINITION

"Sec. 11. The term 'person' as used in this Act includes the singular and the plural and any individual, partnership, corporation, or other form of association, including any government or agency thereof.

"EFFECTS ON OTHER ACTS

"Sec. 12. (a) The Act of February 15, 1936 (49 Stat. 1140), relating to the licensing of exports of tinplate scrap, is hereby superseded; but nothing contained in this Act shall be construed to modify, repeal, supersede, or otherwise affect the provisions of any other laws authorizing control over exports of any commodity.

"(b) The authority granted to the Presi-

dent under this Act shall be exercised in such manner as to achieve effective coordination with the authority exercised under section 414 of the Mutual Security of 1954 (22 U.S.C. 1934).

"EFFECTIVE DATE

"Sec. 13. (a) This Act takes effect upon the expiration of the Export Control Act of 1949.

"(b) All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 or section 6 of the Act of July 2, 1940 (54 Stat. 714), shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act.

"TERMINATION DATE

"Sec. 14. The authority granted by this Act terminates on June 30, 1971, or upon any prior date which the Congress by concurrent resolution or the President by proclamation may designate."

Mr. BROWN of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the motion be dispensed with and it be printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BROWN of Michigan. Mr. Speaker, I do not feel a great deal more time need be spent on the proposal that is before you.

As I indicated to you when we discussed the conference report and when I urged your opposition to that report, I said a motion would be offered to recede and concur in the Senate amendment, with an amendment. That amendment is now pending before you. The amendment that I now offer and which is included in the motion upon which I am seeking affirmative action is, in effect, the language of the conference report except for section 4(b).

Mr. Speaker, section 4(b) of this amendment is the House language of the authority section as distinguished from the Senate language of section 4(b) which is presently in the conference report.

All of the improvements in the legislation as now incorporated in the conference report, in other words, the conference report in its entirety, will still be in the bill except for the Senate authority section. And that is the section to which we devoted a great deal of time in explaining our objections as it was adopted in the conference report.

Mr. Speaker, the House has already given its approval to the change in the conference report that I am now suggesting. The language my amendment proposes is the same language that the House originally adopted. The opponents of this motion—and I trust that there will be few, can only argue that the Senate will not act if we take the action I am recommending. But in answer to that argument, I contend that the Senate should still approve of our action because the bill, as again transmitted to the Senate, will still embrace most of the Senate language which is compatible with the authority section of the House. In other words, all of the procedural improvement provisions will still be in the bill.

Mr. Speaker, for the Senate not to

act would mean that there would be no legislative basis for export controls unless there is another extension of the existing law to extend it beyond the present expiration date of December 31. I do not believe the other body will fail to act because if no action is taken on export control legislation at this time, and in view of the fact that the present extension expires on December 31, there would be no legislative basis for export control.

This possibly would require the administration to rely upon the Trading With the Enemy Act. I think this is irresponsible. The emergency provisions of the Trading With the Enemy Act should not be exercised to handle the export activities for which the Export Control Act is intended.

Even if one has some disagreement with the authority section assuming my motion prevails, the report has much to offer in improvements in export control.

I therefore, do not think any responsible Member of this House would like to have any of these alternatives come into being. It is my hope, and I would like to urge, every Member of the House to support the motion that is presently pending so that we can responsibly and effectively deal with export control legislation yet this year.

Mr. FRASER. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Minnesota.

Mr. FRASER. Mr. Speaker, I would just like to pursue for a moment this one alternative that the gentleman does suggest as not being acceptable; namely, that the legislation would expire altogether.

I gather what the gentleman is saying is that in this event there would be no control on American businessmen trading with anybody they would like to trade with?

Mr. BROWN of Michigan. Unless the administration invoked the provisions of the Trading With the Enemy Act of 1917.

Mr. FRASER. What restrictions could they impose through that legislation?

Mr. BROWN of Michigan. These restrictions certainly are much broader in what can be done and I think would have the impact of affecting trade that need not be controlled. I frankly am not an expert on the Trading With the Enemy Act, and would not attempt to say what total prerogatives the administration would have. But I am suggesting that act is a poor alternative to the course of action I am suggesting that we support at this time.

Mr. FRASER. This, of course, lies in the hands of the other body, but I was curious as to that alternative because it would seem to me the Senate has wanted to open up the trading opportunities more freely than the House apparently is willing to do, and I am wondering if they might not want to take a look at that possibility.

Is the gentleman from Michigan fairly certain that that will not be the result?

Mr. BROWN of Michigan. Of course, I cannot predict the action of the other

body. I would hope they would concur in the action we take here today if my motion prevails.

The administration, I think, is in the best position to determine whether or not it would like to effect export controls through the invoking of the Trading With the Enemy Act, or would like to have the legislation passed in the form that it will be if my motion is successful, and they have chosen the latter; they would prefer to have this legislation with this amendment passed by the House and adopted by the Senate.

Mr. FRASER. I gather the gentleman from Michigan is not able to be certain as to the position of the Senate on this; he is just hoping or expecting they would approve his suggestion?

Mr. BROWN of Michigan. In view of the actions of the Senate in the past few days, I would think that anyone would be a little bit doubtful about being able to predict the action of the Senate.

Mr. FRASER. I thank the gentleman.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman from Ohio.

Mr. LATTA. I would ask the gentleman from Michigan this question: If we should adopt this amendment, what would the difference be, if any, between the bill if it should be amended according to the proposal offered by the gentleman from Michigan, and what the bill was that we passed and sent to the Senate?

Mr. BROWN of Michigan. The Senate adopted many provisions that deal with the mechanical aspects of export control. There are many things, I think, the Senate did that are improvements, procedural and otherwise, the purging of lists, the constant review of the restrictive trade lists, and all these things remain in the bill even if my motion prevails.

As far as the authority section is concerned, if my motion is successful, we will be sending back to the Senate the same authority provisions that we originally adopted in the House when the bill was passed by us.

Mr. LATTA. A further question:

Does the Department of Commerce support the amendment?

Mr. BROWN of Michigan. The Department of Commerce supports my amendment.

Mr. LATTA. I thank the gentleman.

Mr. BROWN of Michigan. Mr. Speaker, I think that the letter which was read by the gentleman from New Jersey from the Secretary of Commerce indicated that although they originally had been in favor of a straight 2-year extension of the Export Control Act, the conference report was acceptable to them if the authority section were changed to include the House language for section 4(b).

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. WOLFF. In other words, if your motion passes there are greater restrictions placed on the President; is that correct?

Mr. BROWN of Michigan. There is one

basic factor involved that did not exist before; that is, the President would be required to take into consideration the availability of exports from nations of the free world with which we have defense treaty commitments in making a determination as to whether or not exports from this Nation shall be controlled or restricted.

Mr. WOLFF. Does this place added restrictions on the President?

Mr. BROWN of Michigan. No; because the administration has used this as an element in making its decision to date. But it has had no legislative basis for using it.

Mr. WOLFF. What you ask is a vote of no confidence in the President. In other words, we in the House do not feel confident the President should make the decision, we would like to place a restriction on his decisionmaking process.

Mr. BROWN of Michigan. No, if I understand the gentlemen correctly, it does not in any way indicate that we are not confident of the ability of the President to make these decisions.

Rather we are providing him with a legislative basis to use a factor or an element in making this determination that was not available in the legislation before. This certainly will be beneficial to us in attempting to establish a free world policy for trade which does not now exist.

Mr. WOLFF. It is a question of authority or restriction?

Mr. BROWN of Michigan. At this point, I would say probably one of semantics.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. EDMONDSON. A couple of years ago export controls were placed on cattle hides with the immediate result that the price on hides was depressed about 40 percent before any hearing was afforded—or any chance afforded to the cattle industry to make the showing which later resulted in the removal of those restrictions.

Would this amendment that you are proposing help to prevent a repetition of this in the future?

Mr. BROWN of Michigan. I cannot guarantee the gentleman that it would, for the amendment I am offering would not have an impact in that area.

Mr. BROCK. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. BROCK. I think the gentleman from Michigan could categorically answer the question of the gentleman from Oklahoma—no. This would eliminate that sort of situation occurring and under the amendment I do not think there is any possibility of that situation happening again.

Mr. EDMONDSON. Could we have an explanation as to how that would be prevented and how a recurrence would be prevented of the incident that took place with cattle hides?

Mr. BROCK. What this does is if there are any materials commercially available so far as the Nation's defense is concerned, then we cannot prohibit the exports without an official decision as to

our national security and that would not be possible in this instance.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Michigan. I yield to the gentleman.

Mr. SMITH of Iowa. I think the record ought to be clear that this has nothing whatever to do with the cattle hide restriction situation which was based on a shortage of supply. The Department got talked into that by the leather manufacturers.

I authored an amendment on an appropriation bill and it prohibited them from enforcing the order.

This has nothing to do at all with the permits based upon shortage of supply.

Mr. BROWN of Michigan. That is substantially correct. Although I think a much more active review of items in short supply and things of that nature will be made by the Department of Commerce, if the provisions of the conference report which are incorporated in my motion are adopted.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Brown).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON STATE TAXATION OF NATIONAL BANKS

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (H.R. 7491) to clarify the liability of national banks for certain taxes and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement see proceedings of the House of December 9, 1969.)

The SPEAKER. The gentleman from Texas is recognized.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman give us at least a brief explanation of what transpired in conference?

Mr. PATMAN. Yes.

There was no contention in the conference among the conferees from either body. The conferees of both the House and the Senate signed the report, and there is no difference at all. We think it is a very fine conference report.

Mr. Speaker, the House will recall that when the other body considered H.R. 7491, it struck all after the enacting clause of the House bill and inserted a new text. The conferees on this legislation agreed to a substitute for the entire Senate amendment.

In my opinion, the House views on this legislation prevailed in conference. Under the conference substitute, the House-passed amendment to section 5219 of the Revised Statutes, with no change whatsoever in substance, will take effect on January 1, 1972.

Under the bill as passed the House, the amendment to section 5219 would have taken effect on January 1 of the first calendar year beginning after the date of enactment. Under the conference substitute this amendment will not take effect until January 1, 1972. The reason why the conferees extended the date to January 1, 1972, is the fact that the tax laws of some of the States are built on the foundation of the section 5219 as now in effect and this delay will enable those State legislatures to make such changes in their tax laws as they deem appropriate.

In the meanwhile, section 1 of the conference substitute makes a temporary amendment to section 5291 which permits any State or political subdivision thereof to "impose any tax which is imposed generally on a nondiscriminatory basis throughout the division—other than a tax on intangible personal property—on a national bank having its principal office within such State in the same manner and to the same extent as such tax is imposed on a bank organized and existing under the laws of such State."

In other words, the State in which a national bank's principal office is located may tax it substantially the same as a State bank, except that intangible personal property taxes may not be imposed.

The conference substitute also includes a savings provision to the effect that except for sales taxes, documentary taxes, and property taxes, a tax may not be applied to a bank after the enactment of this legislation unless either the tax was applicable before the enactment of this legislation or the State legislature authorizes its imposition by positive action taken after enactment of this legislation. This savings provision is effective only until January 1, 1972.

The conferees included this savings provision because of the fact that the repeal of the prohibitions in section 5291 within any compensating action by a State legislature could have the effect of substantially increasing the tax burden on the banks in that State.

Mr. Speaker, regarding the question of taxation of a national bank by States other than the one in which its principal office is located—the so-called foreign bank problem—the temporary amendment to section 5291 made by the conference substitute limits the permissible types of taxes to sales and use taxes, documentary stamp taxes, and license taxes. This temporary amendment is effective only for the period from the date of enactment until January 1,

1972, when the permanent amendment to section 5219 takes effect.

On January 1, 1972, States will have full authority to impose intangible property taxes on national banks just as they have imposed such taxes on State-chartered banks. Likewise, any State will be free to impose taxes on income derived within its borders by the operations of a bank having its principal office in a different State, regardless of whether the foreign bank is a State or nationally chartered bank.

Finally, due to the fact that some apprehension has been expressed as to whether or not the expanded tax powers might be used in a way to impair the mobility of capital between States, the conference substitute includes a section requiring a study by the Federal Reserve Board "to determine the probable impact on the banking systems and other economic effect of the changes in existing law to be made by section 2 of this act governing income taxes, intangible property taxes, so-called doing business taxes, and any other similar taxes which are or may be imposed on banks."

This study is to be transmitted to the Congress by the Federal Reserve Board not later than December 3, 1970.

Thus, if the report should disclose any problems or deficiencies in the amendment to section 5219, which would take effect in 1972, the Congress would have a full session in which to take any necessary remedial action. The conferees from both Houses are agreed that their respective committees would give swift and serious consideration to the findings and recommendations of the Federal Reserve Board.

Mr. Speaker, in conclusion, it should be reiterated that the House-passed bill in essence prevailed in conference. The House-passed bill and the proposed conference substitute to take effect January 1, 1972, provides for equality of taxation by State legislatures of State chartered and nationally chartered banks. Beginning on January 1, 1972, no advantage in the area of taxation will be available to any State-chartered bank over a nationally chartered bank or a nationally chartered bank over a State-chartered bank.

Mr. Speaker, I trust the Members of the House will support the actions of their House conferees and the conference report on H.R. 7491.

Mr. PATMAN. I assure the gentleman that there is no difference between the House conferees and the Senate conferees or any members of the committee. They are satisfied.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. GROSS. Did the Senate insert an entirely new text from that approved by the House?

Mr. PATMAN. No; not in conference on the substance. There was a conference between the House and the Senate. They had placed some amendments on the bill that were unacceptable to the House. They yielded on those amendments. They yielded to the House. And there is no difference between us at all.

Mr. GROSS. But the other body did not insert a new text; is that correct?